

REMARKS

Applicants have thoroughly considered the Office action mailed on June 1, 2007. Claims 1, 6, 41, 43, 45 and 46 have been amended and claims 5, 7-8, 12-40, 42, 44, 47 and 48 has been canceled by this Amendment B. Thus, claims 1-3, 6, 9-11, 41, 43, 45, 46 and 49 are presented in the application for further examination. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1-3 and 5-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,093,124 issued to Girard (hereafter Girard). A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference.¹ Applicants respectfully submit that each and every element as set forth in the recited claims is not found, either expressly or inherently in the Girard reference. Thus, Girard does not anticipate the claims.

The Girard reference discloses a client with a pre installed credentials (e.g., private key) which authenticates a server via the credentials (e.g., public key). (Column 1, lines 40-47). In particular, Girard teaches that the files are downloaded before the server is authenticated. (Column 7, lines 26-29, FIG. 5). And, the boot image credential is downloaded separately from the boot files. (Column 7, lines 34-36, FIG. 5). If the public in boot image credential matches the client's public key, the boot files are executed. (Column 7, lines 36-48, FIG. 5). However, Girard does not teach the client authenticating the server **before** downloading the boot files, downloading **signed** boot files from the authenticated server, and **authenticating the signed boot files before executing** the boot files.

In contrast, claim 1, as amended, recites

installing a PXE client certificate of authenticity in the PXE client;
requesting, by the PXE client using the PXE code via the network
that the server, transfer the **signed boot files** for execution by the PXE
client to at least one of create, recreate, modify, expand and enhance an
operating system for the PXE client, said requesting occurring after the
installation of the client certificate of authenticity in the PXE client;

¹ M.P.E.P. § 2131. See also *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

sending by the PXE client via the network the installed PXE client certificate of authenticity wherein, in response to the receipt of the PXE client certificate of authenticity, **the server authenticates the received PXE client certificate of authenticity** and wherein, **in response to authenticating** by the server of the PXE client, **the server sends via the network a server certificate of authenticity to the PXE client;**
authenticating, by the PXE client, the server by the received server certificate of authenticity;

requesting, by the authenticated PXE client using the PXE code via the network, the transfer the signed boot files from authenticated server to the authenticated PXE client wherein, **in response to receiving the request by the authenticated PXE client, the authenticated server transfers the signed boot files to the authenticated PXE client, said signed boot files including a signature corresponding to the PXE client certificate of authenticity or the server certificate of authenticity;**

authenticating, by the authenticated PXE client, the transferred signed boot files by the signature of the transferred signed boot files; and

executing by the authenticated PXE client of the authenticated signed boot files thereby creating, recreating, modifying, expanding or enhancing an operating system for the PXE client.

The recitals are supported in the specification of the present application at, for example, pages 10-12, paragraphs 33-35, and FIG. 2. For example, **the client authenticates the server by the received server certificate of authenticity.** (Pages 10-11, paragraph 33). And, if the server is not authentic (e.g., if the server certificate is invalid, expired or revoked), the process ends. (Page 11, paragraph 33). Next, **the client requests via the network that the authenticated server transfer the boot files to the authenticated client if the server certificate matches or is verified.** (Page 11, paragraph 33). The server responds by adding a signature to the boot files and transfers the signed boot files to the client. (Page 11, paragraph 33). Lastly, **the client authenticates the transferred, signed boot files** by confirming that the boot files have a signature corresponding to the client certificate and/or the server certificate. (Page 11, paragraph 34). And, if the boot files are not authenticated (e.g., if the boot files are incorrectly signed, invalid, expired or revoked), the process ends. (Page 11, paragraph 34). But, **if the boot files are authenticated, the boot files are executed by the client** to create the operating system. (Page 8, paragraph 34). Advantageously, the present

invention allows the clients to validate the integrity of the server **and** the signed boot files offered to the client by the server.

Although Column 7, lines 34-38 of Girard mentions the client authenticating the server, it does not mention a client **authenticating, by the authenticated client, the transferred signed boot files by the signature of the transferred signed boot files** as recited in the claims. In light of the foregoing, Applicant submits claim 1 is allowable over the cited art. Independent claims 6, 41, 45, and 46 should be allowed for at least the same reasons as claim 1. Claims 2, 3, 9-11, 43, and 49 depend from claims 1, 6, and 41 (respectively) and are allowable for at least the same reasons as claims 1, 6, and 41.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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